

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Robert STONER *et al.*
Application No.: 10/725,505
Filed: December 3, 2003
Attorney Docket: COS97083C1

Confirmation No.: 3775
Examiner: Mylinh Tran
Group Art Unit: 2179

For: ALARM MONITORING SYSTEM FOR A TELECOMMUNICATIONS NETWORK

REPLY BRIEF

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed May 15, 2009.

I. STATUS OF THE CLAIMS

Claims 1-38 are pending and are on appeal.

II. GROUNDS OF REJECTION TO BE REVIEWED

Whether claims 1-38 are anticipated under 35 U.S.C § 102(b) by *Dev et al.* (US 5,504,921)?

III. ISSUES

Whether *Dev et al.* (US 5,504,921) discloses each and every feature of claims 1-38?

IV. ARGUMENT

Appellants maintain and rely on the arguments set forth in the principal Appeal Brief of January 8, 2009, which are incorporated herein by reference. Additionally, Appellants provide the following comments with regard to the Examiner's response in the Examiner's Answer:

With regard to the claimed feature of "one or more network element subsystems the network element subsystems including console connections and application connections," the Examiner contends, at page 8 of the Answer, that the application discloses connections using TCP/IP or DECNet.TM and that, based on the definitions of Telnet and TCP/IP, *Dev et al.* teaches such console and application connections.

The Examiner's rationale is based on what the instant application discloses and not on what *Dev et al.* discloses. In fact, the Examiner has still not specifically identified anything in *Dev et al.* that is purported to disclose the claimed console connections and application connections. Clearly, there is no **express** disclosure of console connections and application connections in *Dev et al.* Thus, the Examiner now relies on general definitions of Telnet and TCP/IP connections in an attempt to show "console connections and application connections" in *Dev et al.*

Appellants do not deny that console and applications, *per se*, are known. However, the claims do not simply recite general "console connections and application connections." Rather, in the context of the claim language, claim 1, for example, there is a "first means for receiving communication of original textual messages generated from one or more network element subsystems the network element subsystems including console connections and application connections." Thus, it is the **network element subsystems** that generate the original textual messages that **must include "console connections and application connections."** The Examiner has erred in failing to show that *Dev et al.* discloses a network element subsystem including console connections and application connections. Accordingly, no *prima facie* case of

anticipation has been established and the Honorable Board is respectfully requested to reverse the rejection of claims 1-38 under 35 U.S.C § 102(b).

The Examiner cites col. 2, lines 28-45, of *Dev et al.* for a showing of network element subsystems. This cited portion of the reference discloses a virtual network including a plurality of models for representing network entities and model relations representing relations between network entities. It further discloses that the system includes means for transferring network data from the network entities to corresponding models in the virtual network and means for supplying user information from the virtual network to a user. It is also disclosed therein that the system of *Dev et al.* employs model-based intelligence to create a representation of an entire network, wherein the models represent network devices, geographical locations of network devices, topological groupings of network devices, and software applications being executed on the network devices for which a management function is to be performed. Moreover, it is disclosed in the cited portion of the reference that the model relations “define both network connections between network devices and hierarchical relationships between network entities.”

Thus, the cited portion of the reference relates entirely to “models” that represent network entities. However, there is no disclosure of a “network element subsystem” that includes “console connections and application connections,” as claimed.

With regard to the “means for **mapping text** of a received original message **to one or more of a plurality of alarm attributes**” of claim 1, the “**mapping text** of a received original message **to one or more of a plurality of alarm attributes**” of claim 21, and “a network alarm monitoring process to **map the event messages to an alarm data structure**” of claim 36, the Examiner identifies col. 4, lines 54-65, col. 8, lines 22-53, and col. 12, lines 32-50, of *Dev et al.* as providing for these claimed features (See Answer-pages 10-11). In particular, the Examiner

asserts that, in *Dev et al.*, an alarm is sent based on the type of message and that, therefore, “the mapping text is taught by mapping the text attribute to condition attribute model” [sic, Answer-page 11]. The Examiner also identifies col. 3, lines 38-55, and col. 13, lines 1-15 of *Dev et al.* as disclosing a network alarm monitoring process to map the event messages to an alarm data structure and a network link to the telecommunications network alarm monitoring server to enable transmission of messages by the network alarm monitoring server in response to a recognized alarm condition.

With regard to the reference to col. 4, lines 54-65, and col. 12, lines 32-50, of *Dev et al.*, Appellants rely on the argument at pages 8-9 of the principal Brief that there is no teaching of the claimed mapping as the cited portions of the reference relate only to servicing user requests and providing network information, e.g., alarms, to a user interface.

The newly cited col. 8, lines 22-53, of *Dev et al.*, relate to polling of network devices in order to obtain an update of the status of network devices. A polling request is converted to the required protocol for communication with the network device and the message is sent. When requested information is returned to the model initiating the polling request, the corresponding attributes in the model are updated and an error rate inference handler is triggered. Depending on whether the error rate is within prescribed limits, an error rate attribute is updated or an alarm may be sent to a user interface. However, there is nothing within this cited portion of *Dev et al.* that discloses or suggests the “means for **mapping text** of a received original message **to one or more of a plurality of alarm attributes**” of claim 1, the “**mapping text** of a received original message **to one or more of a plurality of alarm attributes**” of claim 21, and “a network alarm monitoring process to **map the event messages to an alarm data structure**” of claim 36.

To the extent the Examiner finds that a fault message sent to the user interface in response to the determination of the fault in *Dev et al.* is a disclosure of the claimed “text,” it is noted that in claims 1 and 21, this “text” must be the text of “a received **original** message” and the fault message sent to a user interface in *Dev et al.* is not the original polling request which originated the polling process described at col. 8. Moreover, there is no mapping of this fault message to one or more of a plurality of alarm attributes. With regard to claim 36, the fault message in *Dev et al.* is not an “event message” and to whatever extent it could be considered such an “event message,” the fault message in *Dev et al.* is not mapped “to an alarm data structure,” as claimed.

Similarly, the newly cited portions, including col. 3, lines 38-55, and col. 13, lines 1-15 of *Dev et al.* do not teach or suggest these claimed features.

V. CONCLUSION AND PRAYER FOR RELIEF

The claims require at least “one or more network element subsystems the network element subsystems including console connections and application connections,” and “means for mapping text of a received original message to one or more of a plurality of alarm attributes,” “mapping text of a received original message to one or more of a plurality of alarm attributes,” and/or “a network alarm monitoring process to map the event messages to an alarm data structure,” but *Dev et al.* fails to disclose any of these features. Appellants, therefore, request the Honorable Board to reverse each of the Examiner’s rejections.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

July 15, 2009

Date

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